

robertquidachay5k

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**FILED**  
DISTRICT COURT OF GUAM

OCT 15 2007 *hba*

**JEANNE G. QUINATA**  
Clerk of Court

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT D. QUIDACHAY,

Defendant.

CRIMINAL CASE NO. 06-000032

GOVERNMENT'S MOTION FOR  
DECREASE FOR ACCEPTANCE  
OF RESPONSIBILITY (3E1.1(b)) AND  
MOTION FOR A DOWNWARD  
DEPARTURE BASED ON  
SUBSTANTIAL ASSISTANCE (5K1.1)

**Government's Motion based on 3E1.1(b)**

The United States hereby moves this Honorable Court for a departure from the Guidelines total offense level of 22 to 21, as provided by USSG Section 3E1.1(b), on the basis that defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty. As such, the Government has avoided preparing for trial and the defendant has permitted both the Government and the Court to allocate their resources efficiently. The United States moves to decrease the offense level by one (1) level to **21**.

1           **Government's Motion based on 5K1.1**

2           The United States hereby moves this Honorable Court for a downward departure from the  
3 Guidelines to a total offense level of 21, as provided by the USSG Section 5K1.1, on the basis  
4 that defendant has rendered substantial assistance to the government in its investigation of drug  
5 trafficking on Guam.

6           The government is filing under seal a separate sentencing memorandum concerning the  
7 details of that cooperation. Defendant's present offense level of 21 calls for a range of 37-46  
8 months incarceration. The government is recommending that the defendant's total offense level  
9 be reduced by three levels to **18**, which provides for a range of 27-33 months incarceration. The  
10 government is recommending that defendant receive 27 months incarceration.

11          RESPECTFULLY SUBMITTED this 15th day of October, 2007.

12                               LEONARDO M. RAPADAS  
13                               United States Attorney  
                                  Districts of Guam and NMI

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15                               By: 

16                               ROSETTA L. SAN NICOLAS  
17                               Assistant U.S. Attorney  
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